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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

UNITED STATES OF AMERICA,
Plaintiff,
vs.
TADASHI KURA KOJIMA, aka AARON
MICHAEL ZEMAN,
Defendant.

**STIPULATED MOTION TO
CONTINUE JURY TRIAL**

Case No. 1:23-cr-00006

Howard C. Nielson, Jr.
United States District Judge

Defendant, Tadashi Kura Kojima, by and through his counsel of record, Spencer W. Rice, respectfully moves to continue the jury trial currently scheduled in this matter on April 23, 2024, for 120 days and exclude time under the Speedy Trial Act. This motion is based on the following:

The Court arraigned Defendant on August 21, 2023, and scheduled trial for October 24, 2023, which was within the time allowed under the Speedy Trial Act. *See* Dkt. No. 10. Defendant moved to continue trial, and it was continued to April 23, 2024. *See* Dkt. No. 24.

This is Defendant's second request for a continuance of the trial in this matter, and it is made in good faith and not merely for the purpose of delay.

Defendant seeks a continuance under 18 U.S.C. §3161(h)(7)(A), which allows this court to grant a motion to continue if it finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy trial.

The facts that support this allegation include the following: The parties are attempting to resolve the current case by globalizing the federal case with state charges out of Nebraska. To date, defense counsel has had a difficult time communicating with the authorities in Nebraska.

Mr. Kojima faces lengthy mandatory minimum sentences in the instant case, and lengthy sentences in the Nebraska case as well. Defense counsel recently communicated with Mr. Kojima's defense attorney in Nebraska and is hopeful that more fruitful discussions and negotiations will occur in the coming weeks and months. Because globalization of the two cases is in Mr. Kojima's best interest, counsel requests a continuance of at least 120 days to allow sufficient time for counsel to attempt to work out a proposed resolution of the two cases.

Mr. Kojima is in custody. Counsel has conferred with him and explained the need for the continuance, and he agrees that the defense will not be hindered or prejudiced by the delay.

Counsel for the Government, Carol A. Dain has been contacted and does not object to this motion to continue.

There are no other co-defendants in this matter.

A failure to continue trial under these circumstances would result in a miscarriage of justice¹ and would deny counsel for the Defendant and the Government the reasonable time necessary for effective preparation, taking into account the exercise of

¹ [18 U.S.C. § 3161\(h\)\(7\)\(B\)\(i\).](#)

due diligence.² Therefore, the ends of justice served by such a continuance outweigh the best interests of the public and Defendant in a speedy trial.³

For these reasons, Defendant moves to continue trial for 120 days. The ends of justice served by granting the continuance outweigh the interests of the public and the defendant in a trial as currently set; therefore, the time requested is excludable under 18 U.S.C. § 3161(h)(7).

DATED this 26th day of March, 2024.

/s/ Spencer W. Rice

SPENCER W. RICE

Assistant Federal Public Defender

² *Id.* § 3161(h)(7)(B)(iv).

³ *Id.* § 3161(h)(7)(A).